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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**
16

| | | | |
|----|-------------------|---|--|
| 17 | CLOUDERA, INC., |) | CASE NO.: 4:21-cv-01217-HSG |
| 18 | |) | |
| 19 | Plaintiff, |) | JOINT STIPULATION EXTENDING |
| 20 | |) | DEFENDANT DATABRICKS, INC.'S |
| 21 | v. |) | TIME TO RESPOND TO SECOND |
| 22 | DATABRICKS, INC., |) | AMENDED COMPLAINT; |
| 23 | |) | ORDER |
| 24 | Defendant. |) | Second Amended Complaint Filed: |
| 25 | |) | September 20, 2021 |
| 26 | |) | |
| 27 | |) | Hon. Haywood S. Gilliam, Jr. |
| 28 | |) | CTRM: Oakland Courthouse, Courtroom 2 – 4th Floor |

JOINT STIPULATION EXTENDING BRIEFING SCHEDULE

PLEASE TAKE NOTICE that, pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Cloudera, Inc. (“Cloudera”), and Defendant Databricks, Inc. (“Databricks”) (referred to herein as the “Parties”), hereby stipulate and agree as follows:

WHEREAS, on January 8, 2021, Cloudera filed its original Complaint against Databricks and Defendant Richard Doverspike (“Doverspike”) in the District Court of the Northern District of Georgia, captioned *Cloudera, Inc. v. Databricks, Inc., et al.*, No. 1:21-cv-00108-ELR (N.D. Ga.) (“Georgia Action”);

WHEREAS, on January 14, 2021, Databricks moved to dismiss the claims asserted against it in the original Complaint and also moved to stay the Georgia Action pending resolution of an arbitration between Cloudera and Doverspike or, in the alternative, to transfer the Georgia Action to this Court;

WHEREAS, on January 27, 2021, Cloudera filed an Amended Complaint against Databricks and Doverspike, and, on February 10, 2021, Databricks filed a Motion to Dismiss the Amended Complaint as to the claims asserted against it;

WHEREAS, on February 18, 2021, the Georgia court granted Databricks’s motion to transfer the action to the Northern District of California;

WHEREAS, on August 30, 2021, this Court granted in part and denied in part Databricks’s Motion to Dismiss the Amended Complaint with leave to amend as to some claims, and directed Cloudera to file any amended complaint by September 20, 2021;

WHEREAS, Cloudera filed a Second Amended Complaint on September 20, 2021, and Databricks’s deadline to answer, move or otherwise respond to the Second Amended Complaint is currently October 4, 2021;

1 WHEREAS, Databricks has requested, and Cloudera has agreed to, a short extension of
2 Databricks's deadline to answer, move or otherwise respond to the Second Amended Complaint to
3 allow Databricks to evaluate the new allegations in the Second Amended Complaint;

4 WHEREAS, enlarging the time for Databricks to respond to the Second Amended Complaint
5 as set forth herein will not alter the date of any other event or deadline already fixed by Court order;

6 WHEREAS, the only prior time modifications sought in this case have been (i) to extend
7 Cloudera's time to respond to Databrick's transfer motion by one day (ECF No. 41); (ii) to extend
8 the Parties' obligation to submit a Joint Discovery Plan in the Georgia Action until 14 days after a
9 ruling on Databricks's transfer motion (ECF No. 58); (iii) to enter a briefing schedule for
10 Databricks's Motion to Dismiss the Amended Complaint following transfer of the case to this Court
11 (ECF No. 70); and (iv) to combine the initial case management conference with the hearing on
12 Databricks's Motion to Dismiss the Amended Complaint (ECF No. 86).

13 IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 6-1(b), by and
14 between the undersigned counsel for the undersigned parties, subject to approval by the Court as
15 follows:

16 1. Databricks's deadline to answer, move or otherwise respond to Cloudera's Second
17 Amended Complaint shall be extended to October 22, 2021, without prejudice to the right of any
18 party to seek further adjustment to the briefing schedule based on future developments.

19 2. Nothing herein shall be deemed to constitute a waiver of any rights, defenses,
20 objections or any other application to any court that any party may have with respect to the claims
21 set forth in the complaint filed in this Action.

1 DATED: September 24, 2021

MORRISON & FORESTER LLP

2 By: /s/ Wendy R. Ray

3 Wendy R. Ray

4 Attorneys for Plaintiff Cloudera, Inc.

5 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

6 By: /s/ Christopher G. Clark

7 Christopher G. Clark

8 Attorneys for Defendant Databricks, Inc.

9 **ATTESTATION**

10 I, Christopher G. Clark, am the ECF User whose ID and password are being used to file this
11 Joint Stipulation Extending Defendant Databricks, Inc.'s Time to Respond to Second Amended
12 Complaint. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing
13 of this document has been obtained from each of the signatories.

14 By: /s/ Christopher G. Clark

15 Christopher G. Clark
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1. Databricks's deadline to answer, move or otherwise respond to Cloudera's Second Amended Complaint shall be extended to October 22, 2021, without prejudice to the right of any party to seek further adjustment to the briefing schedule based on future developments.

2. Nothing herein shall be deemed to constitute a waiver of any rights, defenses, objections or any other application to any court that any party may have with respect to the claims set forth in the complaint filed in this Action.

DATED: September 27, 2021


Hon. Haywood S. Gilliam, Jr.
United States District Judge